

Department of Environmental Management (IDEM) requested that EPA grant a waiver from the Clean Air Act requirement for Nitrogen Oxides (NO_x) Reasonably Available Control Technology (RACT) in Lake and Porter Counties. After review of this submission, EPA approves and grants this NO_x RACT waiver to Lake and Porter Counties.

(mm) Lake/Porter Co 8-hr Ozone Finding of Attainment—On June 5, 2009, the Indiana Department of Environmental Management (IDEM) requested that EPA find that the Indiana portion of the Chicago-Gary-Lake County, Illinois-Indiana (IL-IN) ozone nonattainment area has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). After review of this submission and 2006–2008 ozone air quality data for this ozone nonattainment area, EPA finds that Lake and Porter Counties and the entire Chicago-Gary-Lake County, IL-IN area have attained the 1997 8-hour ozone NAAQS.

(nn) Approval—Indiana's 2002 inventory satisfies the base year emissions inventory requirements of section 172(c)(3) of the Clean Air Act for the Indiana portion of the Cincinnati-Hamilton, OH-KY-IN area under the 1997 8-hour ozone standard.

(oo) Approval—On January 21, 2010, the Indiana Department of Environmental Management submitted a request to redesignate the Indiana portion of the Cincinnati-Hamilton, OH-KY-IN area to attainment of the 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175 maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. The 2015 motor vehicle emissions budgets for the Ohio and Indiana portions of the Cincinnati-Hamilton, OH-KY-IN area are 31.73 tpd for VOC and 49.00 tpd for NO_x. The 2020 motor vehicle emissions budgets for the Ohio and Indiana portions of the area are 28.82 tpd for VOC and 34.39 tpd for NO_x.

(pp) Approval—On June 5, 2009, the Indiana Department of Environmental

Management submitted a request to redesignate Lake and Porter Counties to attainment of the 1997 8-hour ozone NAAQS. As part of the redesignation request, the State submitted a maintenance plan as required by section 175A of the Clean Air Act. Elements of the section 175A maintenance plan include a contingency plan and an obligation to submit a subsequent maintenance plan revision in 8 years, as required by the Clean Air Act. The 2010 motor vehicle emissions budgets for Lake and Porter Counties are 10.5 tpd for VOC and 40.6 tpd for NO_x. The 2020 motor vehicle emissions budgets for Lake and Porter Counties are 6.0 tpd for VOC and 12.6 tpd for NO_x.

(qq) Approval—Indiana's 2002 VOC and NO_x emissions inventories satisfy the emission inventory requirements of section 182(a)(1) of the Clean Air Act for Lake and Porter Counties under the 1997 8-hour ozone NAAQS.

(rr) Approval—EPA is approving a request submitted by the State of Indiana on October 10, 2006, and supplemented on November 15, 2006, November 29, 2007, November 25, 2008, April 23, 2010 and November 19, 2010, to discontinue the vehicle inspection and maintenance (I/M) program in Clark and Floyd Counties. The submittal also includes Indiana's demonstration that eliminating the I/M programs in Clark and Floyd Counties will not interfere with the attainment and maintenance of the ozone NAAQS and the fine particulate NAAQS and with the attainment and maintenance of other air quality standards and requirements of the CAA. We are further approving Indiana's request to modify the SIP such that I/M is no longer an active program in these areas and is instead a contingency measure in this area's maintenance plan.

[38 FR 16565, June 22, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.777, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 52.778 Compliance schedules.

(a) The requirements of § 51.262(a) of this chapter are not met since the compliance schedules for sources of nitrogen oxides extend over a period of more

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than 18 months and periodic increments of progress are not included.

(b)–(c) [Reserved]

(d) The compliance schedule for the source identified below is disapproved

as not meeting the requirements of subpart N of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date schedule adopted
LAKE COUNTY			
Commonwealth Edison Co. of Indiana, Inc. (State Line Station).	Hammond	APC 13	Jan. 18, 1973.

[38 FR 12698 May 14, 1973, as amended at 39 FR 28158, Aug. 5, 1974; 51 FR 40675, 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

§ 52.779 [Reserved]**§ 52.780 Review of new sources and modifications.**

(a) The requirements of § 51.160(a) of this chapter are not met in that the plan does not contain procedures to enable the State to determine whether construction or modification of coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000 Btu per hour will result in violations of applicable portions of the control strategy and section 4(a)(2)(iii) of APC-19 is disapproved to the extent that it exempts coal burning equipment having a heat input of between 350,000 Btu per hour and 1,500,000 Btu per hour from pre-construction/modification review.

(b)–(c) [Reserved]

(d) Limited regulation for the review of new sources and modifications. (1) This requirement is applicable to any coal burning equipment other than smokehouse generators, having a heat input of between 350,000 Btu per hour (88.2 Mg-cal/h) and 1,500,000 Btu per hour (378.0 MG cal/h), the construction of which was commenced after May 14, 1973.

(2) No owner or operator shall commence construction or modification of any coal burning equipment subject to this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.